



January 22, 1999

SENATE BILL No. 346

DIGEST OF SB 346 (Updated January 21, 1999 10:42 am - DI 73)

Citations Affected: IC 36-8.

Synopsis: 1977 police officers' and firefighters' fund. Provides that a police officer or former marshal employed by a town at the time the town establishes a board of metropolitan police commissioners or becomes a city may participate in the 1977 fund regardless of the person's age if the person meets certain physical standards. Provides that any prior service credit for such a person may be granted only in accordance with existing law concerning the granting of prior service credit.

Effective: July 1, 1999.

Gard

January 11, 1999, read first time and referred to Committee on Pensions and Labor.
January 21, 1999, amended, reported favorably — Do Pass.

SB 346—LS 7099/DI 73+



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January 22, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

SENATE BILL No. 346

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 36-8-8-3 IS AMENDED TO READ AS FOLLOWS
- 2 [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) If a town establishes a board
- 3 of metropolitan police commissioners, or if a town becomes a city, the
- 4 municipality shall participate in the 1977 fund. However, if a police
- 5 officer **or former marshal** is a member of the public employees'
- 6 retirement fund, he may continue as a member of that fund instead of
- 7 the 1977 fund. **Notwithstanding the age requirements under section**
- 8 **7(a) of this chapter**, a police officer **or former marshal** employed by
- 9 a municipality at the time the municipality enters the 1977 fund under
- 10 this section shall be a member of the 1977 fund unless the police
- 11 officer **or former marshal** elects to continue as a member of the public
- 12 employees' retirement fund. **A person may become a member of the**
- 13 **1977 fund under this subsection without meeting the age limitation**
- 14 **under section 7(a) of this chapter only if the person satisfies:**
- 15 (1) any aptitude, physical agility, or physical and mental
- 16 standards established by a local board under IC 36-8-3.2; and
- 17 (2) the minimum standards that are:

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1 (A) adopted by the PERF board under section 19 of this
2 chapter; and

3 (B) in effect on the date the person becomes a member of
4 the 1977 fund.

5 **Credit for prior service of a person who becomes a member of the**
6 **1977 fund under this subsection shall be determined under section**
7 **18 or 18.1 of this chapter. No service credit beyond that allowed**
8 **under section 18 or 18.1 of this chapter may be recognized under**
9 **the 1977 fund.**

10 (b) If a unit did not establish a 1937 fund for its firefighters, the unit
11 may participate in the public employees' retirement fund or it may
12 participate in the 1977 fund. If a unit established a 1937 fund for its
13 firefighters, the unit is and shall remain a participant in the 1977 fund.

14 (c) A unit that:

15 (1) has not established a pension fund for its firefighters; or

16 (2) is participating in the public employees' retirement fund under
17 subsection (b);

18 may participate in the 1977 fund upon approval by the fiscal body,
19 notwithstanding IC 5-10.3-6-8. A unit that participates in the 1977 fund
20 under this subsection must comply with section 21 of this chapter.
21 However, if a firefighter is a member of the public employees'
22 retirement fund, the firefighter may continue as a member of that fund
23 instead of the 1977 fund.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill No. 346, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 5, before "marshal" insert "**former**".

Page 1, line 7, delete "and the physical and".

Page 1, line 8, delete "mental examination requirements under IC 36-8-8-7(a)," and insert "**under section 7(a) of this chapter,**".

Page 1, line 9, before "marshal" insert "**former**".

Page 1, line 11, before "marshal" insert "**former**".

Page 1, line 12, after "fund." insert "**A person may become a member of the 1977 fund under this subsection without meeting the age limitation under section 7(a) of this chapter only if the person satisfies:**

(1) any aptitude, physical agility, or physical and mental standards established by a local board under IC 36-8-3.2; and

(2) the minimum standards that are:

(A) adopted by the PERF board under section 19 of this chapter; and

(B) in effect on the date the person becomes a member of the 1977 fund.

Credit for prior service of a person who becomes a member of the 1977 fund under this subsection shall be determined under section 18 or 18.1 of this chapter. No service credit beyond that allowed under section 18 or 18.1 of this chapter may be recognized under the 1977 fund."

and when so amended that said bill do pass.

(Reference is to SB 346 as introduced.)

HARRISON, Chairperson

Committee Vote: Yeas 9, Nays 0.

